

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

STRATAGENE CORPORATION,

Plaintiff,

v.

THIRD WAVE TECHNOLOGIES, INC.,

Defendant.

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C. A. No. 05-275-SLR

STIPULATION AND ORDER OF DISMISSAL

WHEREAS, the parties hereto have agreed to dismiss the above-captioned case without prejudice; and

WHEREAS, the parties have conditioned the dismissal without prejudice on their agreement that if either party brings an action regarding the patents-in-suit in the future, such action must be filed and venued in the United States District Court for the District of Delaware;

NOW THEREFORE, it is hereby stipulated and agreed by the parties, pursuant to Rule 41 of the Federal Rules of Civil Procedure, subject to the approval of the Court, that the above-captioned case is dismissed without prejudice, with each party to bear its own costs.

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IT IS SO ORDERED this _____ day of _____, 2007.

United States District Judge